

**Federal Defenders
OF NEW YORK, INC.**

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February 13, 2023

BY ECF

The Honorable Lorna G. Schofield
United States District Judge
Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

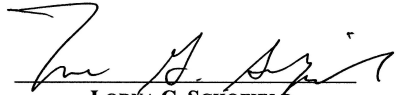
Application Granted. By **March 6, 2023**, the parties shall filed a joint status letter regarding Defendant's medical care and treatment.

Defendant's motion(s) shall be filed by **May 1, 2023**. The Government's response shall be filed by **May 15, 2023**. Defendant's reply shall be filed by **May 22, 2023**. The Court will issue a separate order regarding Defendant's medical treatment. The Clerk of the Court is directed to terminate the letter motion at docket number 21.

Dated: February 14, 2023

New York, New York

Re: **United States v. Dexter Washington**
23 Cr. 31 (LGS)


LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

Dear Judge Schofield:

The parties write jointly in response to the Court's February 7, 2023 order, which directed the parties to propose a motion schedule and submit a proposed order regarding Mr. Washington's medical care.

The parties respectfully request the following motion schedule: defense pretrial motions due May 1, 2023; government response due May 15, 2023; defense reply due May 22, 2023.

With respect to Mr. Washington's medical care, the parties have not been able to agree on a joint order due to several areas of disagreement. Those areas, with the parties' views, are outlined below. At the conclusion of this letter is a proposed order from the defense, followed by a proposed order from the Government.

Treatment by Gastrointestinal Specialist and ENT: The Government understands from MDC Legal staff that, due to the availability of specialists, the MDC cannot commit to Mr. Washington being seen by a GI or ENT specialist until March 24, 2023. MDC Legal has further informed the Government that, to the extent Mr. Washington suffers from a condition that requires a more urgent visit, it is necessary to have Mr. Washington's past medical records.

The MDC has been aware of Mr. Washington's need for medical attention from these specialists since his incarceration on January 5, 2023. The defense submits that Mr. Washington should be seen by a GI and ENT specialist by February 27, 2023—which is over a month and a half after Mr. Washington arrived at the MDC. The defense further notes that it is working to obtain medical records, but that Mr. Washington's conditions—prostate cancer and potential

tumors on his vocal chords—are sufficiently documented and apparent so as to merit expedited visits.

Slip-and-Fall Follow-up and Treatment by Optometrist: With respect to follow-up treatment for Mr. Washington’s January 10, 2023 slip-and-fall incident, the Government understands from MDC that Mr. Washington was seen by a physician’s assistant on January 10 and January 12. The Government understands that Mr. Washington can be seen promptly by a physician’s assistant or nurse practitioner if he puts in a “sick call” request, but that the MDC needs more time to ensure a visit by a physician. Mr. Washington has repeatedly submitted sick call requests since he fell and was once threatened with disciplinary action if he continued voicing his need for medical attention. While Mr. Washington has been provided a sling for his arm, he continues to experience severe pain and his right arm remains immobile. The Government respectfully requests that the MDC be given until March 3, 2023, to ensure that Mr. Washington is seen by a physician. Similarly, due to the availability of specialists, the Government requests that the MDC be given until the same date—March 3, 2023—to ensure that Mr. Washington is seen by an optometrist.

The defense requests that the Court order the MDC to ensure that Mr. Washington is seen by a physician and optometrist by February 27, 2023.

Tooth Implant: The Government understands from the MDC that providing an implant for Mr. Washington’s cracked tooth is considered a “cosmetic” procedure that the MDC will not perform. The defense understands, based on statements made by medical staff to Mr. Washington, that the MDC can contact the Bureau of Prisons Regional Office to seek permission to provide Mr. Washington with a tooth implant for a cracked tooth that requires extraction.

Further Status Update: The Government requests that the parties be permitted to submit another status letter by March 6, 2023, detailing the status of Mr. Washington’s medical treatment. The defense requests that the MDC be ordered to provide a status update by March 1, 2023.

Respectfully submitted,

/s/

Marne Lenox
Assistant Federal Defender
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cc: Counsel of record